



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MQB/170858

PRELIMINARY RECITALS

Pursuant to a petition filed December 18, 2015, under Wis. Stat., §49.45(5), to review a decision by the Dane County Dept. of Human Services to discontinue Medicare Premium Assistance, a hearing was held on January 20, 2016, by telephone.

The issue for determination is whether petitioner's income rose above the Medicare Premium Assistance level when she began to receive unemployment compensation (UC).

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Dane County Dept. of Human Services
1819 Aberg Avenue
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. Petitioner was eligible for Qualified Medicare Beneficiary (QMB) benefits in 2015 because her only income was \$798 monthly social security.
3. Petitioner began to receive \$289 weekly UC in November, 2015.

4. By a notice dated December 14, 2015, the county informed petitioner that QMB would end January 1, 2016 because income was over the limit. Benefits were continued pending this decision.

DISCUSSION

QMB, Special Low Income Medicare Beneficiary (SLMB), and SLMB Plus are programs which provide assistance with Medicare Part B premiums for persons whose incomes are over the regular Medical Assistance limits. All three programs pay the entire Part B premium. See the MA Handbook, Appendix 32.1.1 for a full description of the programs.

The programs have progressively higher income limits. The QMB income limit for one person is \$980.83. Handbook, §39.5. The SLMB limit is \$1,177. Handbook, §§32.3 and 39.5. A person qualifies for SLMB Plus if income is below \$1,324.13. Handbook, §§32.4 and 39.5.

Petitioner's UC income put her over the limit for all three programs. The county correctly sought to close QMB. If the UC ends, petitioner should report the change to have her eligibility reviewed.

CONCLUSIONS OF LAW

Petitioner's income rose above the Medicare Premium Assistance limits when she began to receive UC.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 22nd day of January, 2016

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 22, 2016.

Dane County Department of Human Services
Division of Health Care Access and Accountability